

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY 97 D.C.

05 SEP -8 PM 5: 05

MARY MCMILLAN, and BOBBY)
MCMILLAN, INDIVIDUALLY)
and as Husband and Wife,)

Plaintiffs

v.

WAL-MART STORES, INC.,

Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF THE MEMPHIS

Civil Action No. 03-2890-DV

**[PROPOSED] ORDER GRANTING WAL-MART'S MOTION TO COMPEL
DISCOVERY**

This matter came before the Court upon the Motion to Compel Discovery and Memorandum in Support Thereof by counsel for Defendant, Wal-Mart Stores, Inc. It appears to the Court that the Motion is well taken and it should be and hereby is granted. *The plaintiffs have not responded to the motion, and the time for response has expired.* IT, IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Plaintiffs respond to Defendant Wal-Mart Stores, Inc.'s First Set of Interrogatories and Request for Production of Documents no later than five (5) days after the entry of this Order.

FURTHER BEING ORDERED, ADJUDGED AND DECREED that counsel for Wal-Mart produce an Affidavit stating the amount of attorney's fees incurred by Wal-Mart Stores, Inc. for the preparation of its Motion and Memorandum to Compel Discovery and all fees incurred as a consequence of Plaintiffs failing to timely respond to Wal-Mart's First Set of Interrogatories and Requests for Production of Documents and that Plaintiffs be ordered to pay such costs to Defendant Wal-Mart Stores, Inc.

U.S. Magistrate *Deane K. Uscoff*
District Court Judge

Date: *September 8, 2005*



Notice of Distribution

This notice confirms a copy of the document docketed as number 23 in case 2:03-CV-02890 was distributed by fax, mail, or direct printing on September 9, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT